



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Toshiki SAKABAYASHI : **Attn: BOX MISSING PARTS**
Serial No. 10/688,908 : Attorney Docket No. 2003-1512A
Filed October 21, 2003 :
A SHOESTRING TYING APPARATUS :

PETITION UNDER 37 C.F.R. § 1.102(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

Applicants request that the above-identified application be granted special status in accordance with Manual of Patent Examining Procedure (MPEP) § 708.02(VIII). In addition to the required remarks as follows, the required fee set forth in 37 C.F.R. § 1.17(h) accompanies this petition.

Acknowledgment of the Preliminary Amendment, submitted simultaneously with this Petition in order to place the above-referenced application in a preferred form, is respectfully requested. In view of the Preliminary Amendment, claims 8-25 (including new independent claims 8, 17, 19, and 24) are presently pending in this application. It is submitted that all of the new claims are directed to a single invention.

The required pre-examination prior art search has also been performed. In particular, class 24, subclasses 68SK, 580.1, and 712.2 have been searched, as well as class 36 and subclass 50.5. A copy of the references found during the search have been submitted with the Information Disclosure Statement, filed concurrently with this Petition. It is submitted that the claimed subject matter is patentable over these references for the reasons discussed below.

The present invention as recited in claims 8-25 is directed to a shoestring tying apparatus that comprises a fastening member for tightening a shoestring, and the fastening member includes a disk to be connected to an end of the shoestring. An operating member is provided for rotating the disk

so as to wind the shoestring.

The shoestring tying apparatus as recited in new independent claim 8 also comprises a rotational member that is operable to engage the fastening member so as to wind the shoestring around the disk when the rotational member is rotated in a predetermined direction, to engage the fastening member so as to prevent rotation of the fastening member and thereby maintain tension of the shoestring, and to disengage the fastening member to allow rotation of the fastening member in a direction opposite the winding direction so as to release the tension of the shoestring. A fitting portion is provided for connecting the rotational member to the operating member, and a driving mechanism is provided for rotating the rotational member in the predetermined direction.

It is submitted that none of the prior art references found during the pre-examination search discussed above, or cited in the Information Disclosure Statement filed on October 21, 2003 disclose or suggest a shoestring tying apparatus that comprises a fastening member, an operating member, a rotational member, a fitting portion, and a driving mechanism as in the invention recited in independent claim 8.

In particular, the Carroll reference (USP 5,157,813) discloses a shoelace tensioning device including a fastening member (housing 26) and an operating member (cap 30) for winding a shoestring 12. However, the Carroll does not disclose or suggest a rotational member, a fitting portion, or a driving mechanism as recited in claim 8. The De Bortoli '480 reference (USP 5,065,480) discloses a fastening and adjusting device for ski boots, including a fastening member (body 14) with a disk (winder 2), and an operating member (knob 4). However, the De Bortoli reference also does not disclose or suggest the rotational member, the fitting portion, or the driving mechanism as recited in claim 8. The De Bortoli '817 reference (USP 5,001,817) is directed to a securing and adjustment device for ski boots, including a fastening member (case 2) with a disk (spool 7), and an operating member (knob 3). However, the De Bortoli reference also does not disclose or suggest the rotational member, the fitting portion, and the driving mechanism as recited in claim 8. Finally, the Baggio '649 reference (USP 4,841,649) is directed to a locking and adjustment device for ski boots, including a fastening member (body 2) with a disk (wheels 11, 12 or pulleys 13, 17), and an operating member (knob 4). However, the Baggio '649 reference also does not disclose or suggest a shoestring tying apparatus including the rotational member, the fitting

portion, and the driving mechanism as recited in claim 8.

The remaining references found during the pre-examination search are similar to the references discussed above, in that they teach a shoestring tying apparatus including some form of fastening member with an operating member, such as a knob. However, it is submitted that none of these reference disclose or suggest a shoestring tying apparatus that comprises the rotational member, the fitting portion, and the driving mechanism of the present invention. Accordingly, it is respectfully submitted that the present invention as recited in independent claim 8 and the claims that depend therefrom are clearly patentable over the references

The shoestring tying apparatus as recited in new independent claim 17 also comprises a rotational member that is operable to engage the fastening member so as to wind the shoestring around the disk when the rotational member is rotated in a predetermined direction, to engage the fastening member so as to prevent rotation of the fastening member and thereby maintain tension of the shoestring, and to disengage the fastening member to allow rotation of the fastening member in a direction opposite the winding direction so as to release the tension of the shoestring. In addition, the apparatus comprises a fitting portion, an elastic member in a cylinder portion of the rotational member, a ratchet in the cylinder portion, and an operating cord to be wound on the cylinder portion.

As explained above with respect to independent claim 8, the Carroll reference, the De Bortoli '480 reference, the De Bortoli '817 reference, and the Baggio '649 reference do not disclose or suggest a shoestring tying apparatus that comprises a rotational member as recited in claim 17. In addition, none of these references disclose or suggest the fitting portion, the elastic member, the ratchet, and the operating cord arranged as recited in claim 17. Accordingly, it is respectfully submitted that the present invention as recited in new independent claim 17 and the claims that depend therefrom are clearly patentable over the references.

The shoestring tying apparatus as recited in new independent claim 19 also comprises a rotational member that is operable to engage the fastening member so as to wind the shoestring around the disk when the rotational member is rotated in a predetermined direction, to engage the fastening member so as to prevent rotation of the fastening member and thereby maintain tension of the shoestring, and to disengage the fastening member to allow rotation of the fastening member

in a direction opposite the winding direction so as to release the tension of the shoestring. In addition, the apparatus comprises a ratchet having pawl-storage sections, pawls in the pawl-storage section, a spring storage member connected to the ratchet, a helical spring stored in the spring storage member, and an operating cord wound on the spring storage member.

As explained above with respect to independent claim 8, the Carroll reference, the De Bortoli '480 reference, the De Bortoli '817 reference, and the Baggio '649 reference do not disclose or suggest a shoestring tying apparatus that comprises a rotational member as recited in claim 19. In addition, none of these references disclose or suggest the ratchet having pawl-storage sections, the pawls in the pawl-storage section, the spring storage member connected to the ratchet, the helical spring stored in the spring storage member, and the operating cord arranged as recited in claim 19. Accordingly, it is respectfully submitted that the present invention as recited in new independent claim 19 and the claims that depend therefrom are clearly patentable over the references.

The shoestring tying apparatus as recited in new independent claim 24 also comprises a rotational member that is operable to engage the fastening member so as to wind the shoestring around the disk when the rotational member is rotated in a predetermined direction, to engage the fastening member so as to prevent rotation of the fastening member and thereby maintain tension of the shoestring, and to disengage the fastening member to allow rotation of the fastening member in a direction opposite the winding direction so as to release the tension of the shoestring. In addition, the apparatus comprises an operating member that includes pawls on an inner face thereof and a cylindrical engaging gear for engaging the rotational member, a ratchet, a spring storage member including a helical spring, and an operating cord attached to the helical spring.

As explained above with respect to independent claim 8, the Carroll reference, the De Bortoli '480 reference, the De Bortoli '817 reference, and the Baggio '649 reference do not disclose or suggest a shoestring tying apparatus that comprises a rotational member as recited in claim 24. In addition, none of these references disclose or suggest the operating member that includes pawls on an inner face thereof and the cylindrical engaging gear for engaging the rotational member, the ratchet, the spring storage member including a helical spring, and the operating cord arranged as recited in claim 24. Accordingly, it is respectfully submitted that the present invention as recited in new independent claim 24 and the claims that depend therefrom are clearly patentable over the

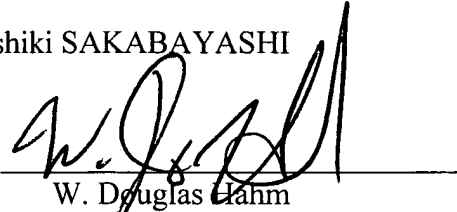
references.

In view of the above, it is respectfully submitted that the Applicants have complied with each of the requirements of MPEP § 708.02 (VIII). Accordingly, it is respectfully requested that this Petition under 37 C.F.R. § 1.102(d) be granted.

Respectfully submitted,

Toshiki SAKABAYASHI

By

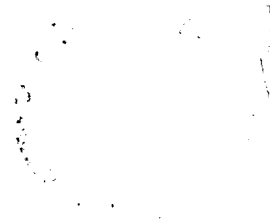
A handwritten signature in black ink, appearing to read 'W. Douglas Lahm', is written over a horizontal line.

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